



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

June 29, 2017

### TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering to rezone 5 parcels containing a total of 1.3 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional. The subject site consists of five parcels addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive, and are identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 10 2017

Chair Way said we will hear the next four items together.

Ms. Dang said the subject site consists of five parcels addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive, and are identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

The Comprehensive Plan designates four of the five parcels as Professional and one parcel as Low Density Residential. The Professional designation states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas and land uses. The Low Density Residential designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

- Site:** Professional offices, zoned R-3 along South Main Street and a portion zoned R-1 along Edgelawn Drive; and one single-family dwelling zoned R-1 along Edgelawn Drive
- North:** Professional and financial offices, zoned R-3 along South Main Street; and single-family dwellings fronting Edgelawn Drive, zoned R-1
- East:** Across Edgelawn Drive, single-family dwellings, zoned R-1
- South:** Across Weaver Avenue, professional office, zoned B-2C; and dwellings, zoned R-3
- West:** Across South Main Street, single-family detached dwellings and multiple-family building, zoned R-3

The applicant has submitted four separate applications. The first is to amend the Comprehensive Plan's Land Use Guide map. The second is to rezone five parcels containing 1.3 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional. The third is a special use permit (SUP) per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building. The fourth and final application is a SUP per Section 10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities). (Note: Business and professional offices would only be permitted if the Zoning Ordinance is amended as requested in a separate application.)

If all of the requests made by the applicant are approved, the property owner's plan is to raze the four existing buildings and construct a mixed-use building containing the allowable non-residential uses and 22, one-bedroom multiple-family residential units.

Before getting into the specifics of the requests, it is important to understand the uses and densities permitted by right on the subject properties. This particular site is zoned R-1, Single-Family Residential District and R-3, Medium Density Residential District. Tax map parcels 18-R-22A, 24A, and a 5,600 +/- square feet portion of parcel 18-R-23 abutting Edgelawn Drive are zoned R-1. The larger remaining lots and portion of 18-R-23 abutting South Main Street are zoned R-3. The R-1 district is intended for low density, relatively spacious single-family residential development. When creating new parcels, the residential density is a maximum of four units per acre with a minimum lot size of 10,000-square feet. The R-3 district is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The R-3 district permits medical and professional offices by right as well as other non-residential uses. The R-3 district's by right residential uses include single-family detached dwellings, duplex dwellings, and attached townhouses of no more than eight units in a row within one structure. Among other SUPs, multiple-family dwellings of up to 12 units per building and personal service establishments may be requested.

If this site were to be developed with the current R-1 and R-3 designations, the property owner could construct a combination of the following by right as lot area and setback requirements allow:

- Residential uses:
  - Two single-family detached dwelling units on the R-1 portions; and then on the R-3 portions, eight single-family detached units, six duplexes (12 units), or 24 townhouse units, or any workable combination.
- Non-residential uses:
  - Churches and other places of worship;
  - Governmental uses such as community centers, parks, and playgrounds;
  - College and university buildings;
  - Hospitals, convalescent or nursing homes, funeral homes, medical offices, and professional offices;
  - Charitable or benevolent institutions;
  - Child day care centers;
  - Private clubs; and/or
  - Public uses.

Regardless of the number of residential units or bedrooms built, each unit could be occupied by up to four individuals. Also note, so long as all zoning regulations were met, and with appropriate renovations necessary for the Building Code, any of the existing structures could be used for any of the uses listed above.

In the R-3, Medium Density Residential District, uses may be three stories, where the maximum height is 35-feet for single-family dwellings and duplexes, and 40-feet for townhouses, multiple-family buildings, and other uses. While the applicant has not proffered restrictions on height or layout of the site, the applicant's conceptual drawings show a three story building when viewed from South Main Street. Given the grades on the site, with the lowest point at South Main Street, a building with its roof maintained at the same elevation would appear two stories from Edgelawn Drive. The R-5 maximum by-right height is 52-feet with the ability to have four stories for multiple-family structures and mixed use buildings.

With regard to the rezoning request, the applicant has submitted the following proffers (written verbatim):

1. Any building constructed on site shall contain residential and non-residential uses. The first floor of any building shall contain only non-residential uses.
2. The site shall contain no more than 22 one bedroom multiple-family units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any building and the following streets: South Main Street and East Weaver Avenue.
4. Only one vehicular access point to South Main Street shall be permitted, and it shall be only for right-in/right-out traffic movements.
5. No vehicular access shall be permitted from the site to Edgelawn Drive.
6. A 6-foot opaque fence shall be installed at a minimum of 19-feet from the centerline of the existing Edgelawn Drive public street right-of-way.
7. A 6-foot opaque fence shall be installed along the northeastern property line adjoining tax map parcel #18-R-19 & 20.

Note that the submitted layout and building elevation are not proffered.

Off-street parking requirements are calculated based on uses and can be found in Article G of the Zoning Ordinance. In the conceptual layout provided, the applicant has shown a scenario in which the uses of greatest intensity would be allowed, and has shown that off-street parking spaces can be accommodated on site. Through proffers, the applicant has limited the residential uses to one bedroom units and has shown the conceptual layout with a restaurant, which requires more parking spaces than any use allowed by the requested special use permit. While this conceptual layout is not proffered, parking requirements for other configurations and uses proposed in the future would be reviewed by staff during the engineered comprehensive site plan phase of development. The conceptual layout provides nine spaces more than the minimum requirement.

As required by Section 10-3-118 of the Zoning Ordinance, since the allowable uses under the rezoning and SUPs met the threshold for the City to be able to review a traffic impact analysis (TIA), staff requested for traffic to be evaluated. The completed TIA assumed uses with the highest traffic generation factors. That is, while retail stores, business and professional offices, and restaurants without drive-throughs could occupy this future space, the Institute of Traffic Engineer's Trip Generation Manual (a tool used nationally by transportation engineers) indicates that a restaurant without a drive through generates more traffic than the other uses permitted if the applications are approved. Therefore, the TIA was conducted assuming a 4,364 square foot restaurant and 22 one-bedroom residential units. The TIA affirmed that a vehicular access point on South Main Street should be right-in/right-out only, which the applicant has proffered (Proffer #4). The TIA also considered two alternatives for the entrance on East

Weaver Avenue. Alternative 1 considered a full access commercial ingress and egress option and Alternative 2 considered a full commercial access entrance with a right out exit movement only. The TIA recommended Alternative 1 over Alternative 2. While the gross square footages of the commercial uses are not proffered, the City will have another opportunity to review traffic impacts during the engineered comprehensive site plan phase of development.

The applicant has also proffered that no access will be permitted on Edgelawn Drive (Proffer #5). While dedication of right-of-way is not required at this time, the applicant is aware that Edgelawn Drive is a substandard public street although it may appear to function more like an alley. Furthermore, the applicant is aware that right-of-way shall be dedicated at the time of subdivision. A subdivision would be required to vacate property lines to be able to construct a building like the one shown on the conceptual layout. The applicant's representative and staff both acknowledged that Edgelawn Drive has a different character than typical local streets, and does not require widening to 36-feet of pavement and 50-feet of right-of-way, which is the City's standard for local streets. Staff supports a reduced pavement width for the street of 18-feet and reduced right-of-way of 38-feet. In such a scenario, on street parking would not be permitted on Edgelawn Drive. Furthermore, staff has offered the property owner the option to dedicate 19-feet of fee simple right-of-way along the frontage from the centerline of the street or to dedicate 11.5-feet of fee simple right-of-way and 7.5-feet of public sidewalk easement along the frontage from the centerline. The applicant understands that they will be responsible for requesting variances from multiple sections of the Subdivision Ordinance to the reduced street width and for not constructing street improvements at the time of subdivision. Although the Subdivision Ordinance variances are not formally being requested at this time, these matters should be considered when making recommendations.

The applicant has proffered installing 6-foot tall opaque fences along the northern and eastern perimeters adjacent to tax map parcels 18-R-19 and 20, and along Edgelawn Drive (Proffers #6 and #7, respectively). Per Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping, the property owner will be required to plant street trees between any parking lot and a public street including Edgelawn Drive, East Weaver Avenue, and South Main Street.

In comparing previous rezonings within this area, last month, in April 2017, a request to rezone the property addressed as 1476 and 1486 owned by Sunrise Church of the Brethren was presented to Planning Commission. Planning Commission recommended for approval (5-2) to rezone the property from R-3 to B-2C. The applicant proffered to retain most of the uses allowed in B-2, and effectively removed uses that were most intensive including sales and repair of vehicles, recreation equipment and trailers; radio and television stations and studios and recording studios; public utilities; parking lots and parking garages; and vehicle fuel stations, bus terminals and similar facilities. The request will be presented to City Council on May 9, 2017—the day before the subject applications herein discussed are considered by the Commission.

In 2008, the property located across East Weaver Avenue, addressed as 1400 South Main Street, was rezoned from R-3 to B-2C. The proposal was presented at Planning Commission and a public hearing held in January 2008. The applicant tabled their request and the rezoning was presented a second time to Planning Commission in February 2008 with new proffers that significantly limited the uses that could occur on site. The applicant proffered to allow only mercantile establishments, which promote the show, sale, and rental of goods, personal service establishments, and other shops and stores customary to shopping centers and convenience outlets; and governmental, business and professional offices. Additionally, the applicant proffered that the sale of alcoholic beverages would not be allowed and that hookah bars and lounges and tattoo parlors would be prohibited. The property owner further proffered that regular business hours shall be between 6:00am and 10:00pm, no free standing signs shall be erected on site, and that no uses permitted by SUP would be allowed except for applications requesting the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel

zoned B-2 or M-1. Restaurants were specifically not listed as an allowable use because it was recognized that the site could likely not meet the minimum parking requirements on the site.

Going back to 1997, the property located at 1416 South Main Street was rezoned from R-3 to B-2C. It was rezoned for a Rite-Aid pharmacy, which exists today. At the time of that rezoning, the Land Use Guide recommended the property and other properties along the east side of South Main Street, including the subject property, for Professional use. The 1991 Comprehensive Plan described Professional land uses as “areas...designated for professional service oriented uses with consideration to the character of the area. These uses are found in residential areas along major thoroughfares.” The 1997 staff report noted the following:

“In reviewing the request staff’s main concerns were the proximity of the site to single family dwellings and compatibility with the comprehensive plan. Uses on this side of Main Street both north and south of this block are nonresidential in nature. As recognized by the comprehensive plan, the continued residential use of this small remaining residential area fronting Main Street is not likely or practical. The Comprehensive Plan may have recommended this area for professional use in order to provide an alternative future use for the property and at the same time buffer the adjacent single family neighborhood from negative impacts of commercial uses in the area. However, given the nature of the commercial uses nearby on Main Street and the amount of land available for professional offices in the city, staff believes that some limited commercial use of the area could be appropriate and would not be inconsistent with the comprehensive plan.”

Two decades later, staff continues to recognize that low density residential uses fronting South Main Street is not likely or practical. South Main Street is a five-lane roadway, with a posted 35 mph speed limit, and carries vehicular traffic that is not conducive to low density residential uses. Although much of the property is currently designated Professional with the intent to buffer the adjacent single-family uses from potential negative impacts of commercial uses, staff recognizes there are other development types that can provide transitional use buffering complimentary to single-family neighborhoods. Today, the Comprehensive Plan is undergoing an update and review of the Land Use Guide. Staff has already recommended that both sides of South Main Street between Warsaw Avenue/Bluestone Drive to Miller Circle be closely reviewed by Planning Commission. At this time, staff believes changing the Land Use Guide designation for parcels along this corridor from Professional, Commercial, and Medium Density Mixed Residential to Mixed Use Development Area should be considered.

As noted earlier, the applicant is requesting a Comprehensive Plan amendment to change the designation of the subject properties to Mixed Use Development Areas. The Comprehensive Plan describes that Mixed Use Development Areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. Mixed Use Development Areas encourage traditional neighborhood design (TND), which combines residential, retail, office, and employment uses to create a neighborhood with the following characteristics:

- “The design of the neighborhood allows residents to work, shop, and carry out many of life’s other activities within the neighborhood.
- A mix of land uses is provided. The proximity of uses allows residents to walk ride a bicycle, or take transit for many trips between home, work, shopping, and school.
- A variety of housing types is provided at a range of densities, types (multifamily, townhouse, and single family), and costs. Neighborhoods are heterogeneous mixes of residences in close proximity to commercial and employment uses.
- The neighborhood includes a retail, office, employment and/or entertainment core to provide economic and social vitality, as well as a major focus and meeting place in the community.

- The circulation system serves many modes of transportation and provides choices for alternative transportation routes. Streets, alleys, and pedestrian and bike paths connect to the surrounding area. Streets and alleys generally follow a grid pattern to provide these route choices and connections. Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
- The overall intensity of development is designed to be high enough to support transit service.
- A system of parks, open spaces, and civic, public, and institution uses is included to create a high quality of life and civic identity for the community.
- The cluster concept is embraced so as to concentrate development in environmentally suitable areas and to preserve and protect important environmental and cultural resources.”

While the subject site on its own will not provide for all TND characteristics for the neighborhood, the potential for redevelopment of additional properties fronting South Main Street collectively could contribute to a neighborhood area with the characteristics listed above, where South Main Street could act as the “retail, office, employment and/or entertainment core” surrounded by residential uses that are within walking distance, which includes the Purcell Park neighborhood. From a land use perspective, well designed mixed-use parcels could create a good transition area and buffer between major thoroughfares like South Main Street to a well-established neighborhood such as the Purcell Park neighborhood. Changing the Land Use Guide designation along South Main Street could encourage redevelopment to improve the building stock and character of this section of the South Main Street corridor.

With respect to the rezoning request, while the R-5 district permits up to 24 units per acre, if the applications are approved, the property owner could not build the maximum 31 allowable units on the subject site due to the maximum number of units detailed in proffer #2 at 22 units. To encourage pedestrian friendly design of the area, staff encouraged the applicant to consider not placing parking lots between the building and the public street. Concentrating people and places along the public street creates an environment that is more accessible, interesting, and safe for pedestrians. The applicant has proffered that no parking lot shall be located between any building and South Main Street and Weaver Avenue (Proffer #3).

The City has experienced significant population growth in the last few decades from 30,707 people in 1990 to 54,224 people in 2016 (a 75.6-percent increase), and it is anticipated to continue an upward growth. The Weldon Cooper Center for Public Service projects Harrisonburg’s population to grow to 65,768 by 2030 and to 75,015 by 2040. The housing needs of the community must be planned for and anticipated. While the City maintains roads, sewer and water systems, schools, and parks and has control and influence over their functions and implementation, in contrast, the City does not have direct control over housing. Private developers and builders provide housing units based upon the desires and needs of the public in zoning districts that allow the different housing choices. Mixed use development areas along certain major thoroughfares in the City could provide the tool necessary to meet housing demands for future population growth and necessary economic development.

Considering the details of the proffers submitted by the applicant, staff has no suggested conditions for either of the SUP applications. The proffers limit the site to 22, one-bedroom residential units and require that all buildings must be mixed-use, which contributes to the integrity of the proposed development’s purpose of being a TND-like project.

Staff recommends approval of the requests for the Comprehensive Plan amendment, rezoning, and two special use permits as presented by the applicant.

Ms. Dang continued and said Commissioner Whitten could not be here this evening; however she asked that we read this letter from her into the minutes.

“With regard to the Comprehensive Plan Amendment, Rezoning and Special Use Permit on South Main and Edgelawn, I understand that through proffers and other means, the applicant is trying to be sensitive to the existing neighborhood. I feel that it is imperative that we as the Planning Commission endeavor to do the same. The existing neighborhood is walkable to schools, work and services in our city. It is a predominantly family neighborhood that also enjoys close proximity to a large city park. A neighborhood such as this is a tremendous asset to our city. The housing units are also affordable which is another goal of the comp plan. My concern is that by changing the nature of the residential section of this area, the applicant will cause a "tipping point" that will adversely impact the existing residential uses. I also understand that the R-3 "by right" uses exist now and would allow even higher density housing. My hope is that this applicant and the PC will go forward with this request exploring every possible means to protect the character of the existing residential neighborhood. Harrisonburg has an abundance of high density apartment living options with more and more family neighborhoods being threatened. This pattern will make family neighborhoods unsustainable in our city.

I do not envy your decisions and appreciate your allowing me to have input.”

Chair Way asked if there were any questions for staff.

Mr. Finks said I have a question about the Traffic Impact Analysis (TIA) as far as the exit on Weaver Avenue. Can you expand on the reason of not going with the right only on Weaver Avenue?

Ms. Dang said would it be appropriate to defer this to the applicant’s representative to answer that.

Chair Way said could you hold off on that question?

Mr. Finks said yes.

Mr. Colman said my question in some way is more preparing for the response or the input tonight. As we are looking at the possibility of this area of being a mixed use corridor in some ways this fits that model. At the same time, I feel like it is ahead of it and we do not have the feedback that we need before we make those decisions. What I would like to see in this case, even if this moves forward, is to provide further buffering between what is commercial and what is residential to protect our neighborhoods. We want to do that. We want to make sure that does not erode into a neighborhood or deter the neighborhood in a way from being single-family, small houses, small lots. Something else we would like to discuss more as we move forward with the Comprehensive Plan is what do we provide as a means of how do we buffer this mixed use from the neighborhoods? Which not only will apply to your neighborhood, but other neighborhoods that would be in the same type of situation.

Chair Way said we will take a three minute recess at this point and we will resume when that clock gets to 9:03 pm.

Chair Way called the meeting back to order at 9:03 pm. He asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if anyone would like to speak in favor of this request.

Dick Blackwell, Blackwell Engineering, said let us start with the Comprehensive Plan. If you look up and down that street it is mixed use, R-3, commercial, and professional. It seemed a good use for that property, presently it is zoned R-3, with two back lots zoned R-1. As Ms. Dang has pointed out, by right a whole lot of four bedroom units can be built there. You could not get 100 occupants on site, but you can get at 64 or 70. The applicant is not interested in having four bedroom units on the site. One of the plans was to reduce the use with 22 one bedroom apartments. People have said “well students can go in and no one can monitor it,” but you cannot get as many students in 22 one bedroom apartments as you can in 16-20 four bedroom units; from that stand point it is a major reduction in people living on the site.

Using the front part for commercial, we did a traffic study using it as a restaurant without a drive-thru, because that is the highest use traffic wise of any use. If it was something like one of these other uses, or professional office space, or some kind of salon, it would be less than that. With the City's recommendation we did the traffic way at the highest use traffic wise. Someone had a question about; that why we allow right in and right out on Weaver Avenue.

Mr. Finks said strictly on Weaver Avenue in the TIA. You all went with the full access rather than just the right in and right out only.

Mr. Blackwell said we did a TIA on a Thursday morning and afternoon. It was a sunny day a week before exams, and assuming that is probably a good typical day in that neighborhood as far as traffic is. Turning out onto Port Republic Road, I have those figures, it was surprisingly low that morning. I think there were 29 vehicles that turned out onto Port Republic Road from Crawford Avenue. In the morning there, were three vehicles turning off South Main Street onto Weaver Avenue, there were 13 vehicles coming from Weaver Avenue to Crawford Avenue; and there were 16 vehicles coming up Monument Avenue. With the TIA, if you only had the right then it loaded up South Main Street with more than 100 vehicles in an hour and turning without a light at that location. We and the City staff agreed that it would be better to have some vehicles go the other direction on Weaver Avenue. With the planned uses there would be a split, about 40 vehicles going out onto Port Republic Road off of Crawford Avenue, so there was an increase of 20 vehicles.

Chair Way said Mr. Blackwell I will be encouraging people to keep down the time so we can get through everyone; so I am asking you to get to your points quickly.

Mr. Blackwell said I think my points have all been made that with the proffers on this site, 22 one bedroom apartments, and the total area of the commercial, it is limited.

Chair Way asked if there were any more questions for Mr. Blackwell. Hearing none, he asked if anyone else would like to speak in favor of this request.

Giles Stone, 2580 South Main Street, said I would like to mention that I built a house on Edgelawn Drive in 1964, when nobody else had built a house there for 30 years at least. We lived there, we raised our kids there, and we stayed there about 12-13 years. My job took me to Pittsburg, Pennsylvania. We sold the house; two years later we came back and we made a special effort to buy that house back, because we loved that neighborhood. So we bought it back and we lived there and owned it twice. To my knowledge there have not been any new houses constructed and there are not many vacant lots.

I would like to say that the house on the corner, where the March of Dimes sign is, has been empty 27 months. I have advertised it in the paper a number of times for an office, a professional office; I also know I can put a family in there. I have had lots of students call me wanting to rent the house, I have refused to do that. I say that because I know there are a lot of people here that are afraid I would get into student housing; but I have no desire to do that. That is the reason why it is still sitting empty. The house next door to it on the north side is not in a very good state of repair either, but I have a tenant in there and I will not make more comments about that. Dr. Riggleman's office has been a great tenant and I know that one of these days he is going to retire; that is the reason why I am pursuing this.

What we were thinking about building, when you talk about 22 rooms, we are talking about a suites type hotel, where people would rent by the month. There will only be one person living in that unit. We were mainly thinking about college professors, because I have been told from the University that there is a demand. They send a lot of people to another place which is much further south; they send new professors there until they have found a home. If you have 22 people there it would be nice to have a coffee shop downstairs and that is the reason why we are going for the mixed use, so we can have a coffee shop and possibly another professional office. There will not be any kind of department store or any McDonalds, when we talk about the restaurant.



There is not much more that I can say about it that you have not already heard. I have been in love with this neighborhood and I would not do anything to hurt the neighborhood. I think it would be an improvement and it is not going to hurt anyone's home value because I have talked to one of the major contractors in the area and they have drawn up the plans and I think it will be a big asset to the area. It is owned by a family partnership, my two sons happened to be in town and I have asked them if they would speak and they are part of the partnership.

Russ Stone, 1202 Guilsford Road, Richmond, Virginia, said I am Mr. Stone's son and I came here from Richmond today for this purpose. I am a part owner in the Marusstodd Properties which is the company that owns the land in question and is seeking the requests in question. It is a family-owned business: Marusstodd Properties comes from my sister Marylynn, my name Russ and my brother Todd that is where the name came from. We have spoken with some of the people that we know are opposed to this. I have seen emails, I have read Facebook posts about what their concerns are.

One of the things that some of the people have mentioned is that if we allow Giles Stone to do this we trust him, we know he is not going to do student housing; but what happens if ultimately he is no longer around to be taking care of it; what is their plan? That is what I am here to talk about. As he just said, I have no interest whatsoever, my brother has no interest whatsoever, in student housing.

I remember growing up in that same neighborhood. During the staff presentation they had a photograph of 1338 Edgelawn Drive, which was the house just mentioned; I lived there until I was 12 years old. I know that neighborhood very well. I do not want to do anything to harm that neighborhood either. We believe that this project is consistent with the Comprehensive Plan, it would be a benefit to the community, and we do not want to do it in any way that is going to harm the neighborhood or the community.

Todd Stone, 9310 Creeks Crossing Boulevard, Richmond, Virginia, said just to add a little bit more to that and set some minds at ease if it makes a difference. We do love that neighborhood. I grew up there until I was 11 years old and have lots of fun memories. I spent lots of times painting a couple of the houses, putting in flooring and painting the roof. Hammered my thumb a few times, so I have lots of good memories from there.

The buffer to the neighborhood is an important part of this because I know growing up there how important it is to keep the peace and tranquility of the neighborhood. I just think it is important that it be known that we do care about the neighborhood. When I grew up there, Main Street was two lanes and we would walk across the street, as a 10 year old, and we would get a slurpee at 7-Eleven. Now it is five lanes and so it is different, it has changed over the years. We want to have the flexibility to make changes in a way that respects the dignity of the neighborhood that we love.

Elise Barrella, 238 East Water Street, said I am speaking as a professional who has lived in Harrisonburg for five years and has been at a loss to find a good quality of life living environment and I see the potential in this particular type of a proposal. There is a need for affordable and accessible options for professionals, retirees, and for others who may not want a single-family home and may want a smaller unit. They may also want to be accessible to a lot of the amenities in downtown, in the parks, and in the schools. I am a single-family household, I am not in a single-family home, but I am a single-family household, so I think that to oppose, blankly, proposals that may or could be open to students would greatly restrict options for people like me who are good citizens and good residents and also really inhibit future development potential for mixed use throughout the City. This is not a large apartment building like where I currently live, Urban Exchange, which I will be moving out of for a variety of reasons; I also do not want to live near a large number of students and I do not see that as a potential for the sake of redevelopment. I teach them because I am a professor so I do not necessarily want to see them every day as well. I would not necessarily want to have my neighbors changing monthly, I understand the goal of having short term housing and I would also encourage you to consider opportunities in terms of quality of

life for the residents to reduce some of the parking and provide some additional buffer open space. When you support these types of proposals it opens up a good diversity of housing options and provides a little bit more guidance than the haphazard mixed used development that is currently happening around South Main Street.

Chair Way said I would like to remind people of a few things. Please state your name and address, and in the interest of trying to hear from as many people as possible if you can keep your remarks reasonably brief. If people have already said what you are trying to say, second that, and add to the conversation. That way we can try to get through as many people as possible to hear the thoughts and ideas people have.

Dave Pruett, 28 Edgelawn Drive, said my wife Suzanne and I have lived there for 21 years in the northwest corner of the Purcell Park neighborhood. My remarks will be a little long because I am giving a summary statement, others will follow up on particular parts of this. We love our neighborhood, we love our neighbors, we love walking in the park, and a proximity to work and downtown events. Purcell Park is a modest neighborhood, but it is vibrant, and my colleague Mark has described it very poetically as a neighborhood that is unpretentious and pleasant, multi ethnic, multi generational, inhabited by young families, recent immigrants, and the elderly. In brief, it is Norman Rockwell country.

I have before me some goals and objectives from the Comprehensive Plan that I just would like to briefly summarize. Goal 3 from the chapter on neighborhoods, to strengthen existing neighborhoods; Objective 3.2 to limit the conversion of single-family homes into duplexes and apartments; Objective 3.5 to consider and seek to mitigate the potential impacts of rezoning on neighborhoods; Objective 4.3 to promote home ownership so as to increase the proportion of owner-occupied units in the City. The plan makes it pretty clear that job one of good municipal government is to preserve and enhance neighborhoods. However, as wonderful as our neighborhood is, it is vulnerable, it is under constant threat from commercial creep, from being swallowed, piecemeal or whole, by JMU, and then converted by developers to collect into the slums for student habitation.

I have lived here long enough to know that the ongoing battle against developers is relentless. We could win the scrimmage a dozen times, but we only need to lose it once to breach the integrity of the neighborhood. The residents of this neighborhood are greatly concerned about this rezoning request, particularly because of placing in our neighborhood a relatively high density apartment. As we have heard many times in this session and other sessions, Harrisonburg has plenty of high-density apartment complexes, there is no shortage of such housing, indeed there is such a surplus of new upscale apartments that many older complexes have high vacancy rates.

More to the point there is no need for such apartments in a residential neighborhood. There is, however, a severe shortage of modest single-family homes, such as those currently comprising the Purcell Park neighborhood. Mr. Stone said he will not, as a former resident of the neighborhood, do anything to hurt the neighborhood, but this will hurt our neighborhood in many, many ways. It is telling that this plan came about to my knowledge without any consultation of the people in the neighborhood that he plans not to hurt. If allowed to become a reality, this plan will undoubtedly compromise the integrity of our neighborhood in many ways.

First, as the first encouragement of high-density residential space it would open up the floodgates to other such requests. Secondly, property values would plummet, especially in close proximity to the apartments. Third, it will increase traffic in a neighborhood that is already highly trafficked by those legally going to Purcell Park and illegally cutting the corner between Port Republic Road and Main Street. At peak times now, it is almost impossible to turn south onto Main Street from Edgelawn Drive, Weaver Avenue, and Monument Avenue. Fourth, there are almost no sidewalks especially on Weaver Avenue, which has a dangerously sharp crest, which would put further risk to neighborhood pedestrians, especially children and the elderly. We also have concerns about noise and traffic beyond hours from the standard business hours. Finally, it would forever change the Norman Rockwell character of the neighborhood that Mark

talks about. To me the proffers are really a way to put lipstick on a pig. This is not a good idea. If Mr. Stone wants to come back and confer with residents of Purcell Park to find some viable option we will meet with him, but I do encourage you to vote “no” in this proposal.

Mark Facknitz, 48 East Weaver Avenue, noted that his residence is usually known as Mrs. Way’s house, though she has not lived there in seven years. I am grateful for the chance to talk and for the openness of this forum and the good will and thoroughness of the Commission’s work.

I will be brief as there are others whose perspectives and insights deserve full hearing and whose witness will be less tedious than mine. Before I turn to my task, I would like to point out that I am a renter; I have an extremely amicable relationship with the couple who owns my home; and, as I am making improvements on the home I rent, I am ‘invested’ in the neighborhood. I also like my house—it is a very nice house to live in—and though I do not wish to own it, I do hope that its value appreciates for the sake of my friends. Good houses, like good neighborhoods, need to be maintained. That is a simple matter of civic responsibility. Ours is a neighborhood of unpretentious, well-kept houses, many of which are home to young families, some of which shelter newcomers from distressed parts of the world, and more than a few of which represent the life savings of elderly residents whose efforts made Purcell the special place it is today.

I want to take a few minutes to focus on the severe limitations of the TIA or traffic impact analysis that was filed with this proposal and to suggest what more is needed.

In the letter dated 27 January 2017 the Office of Public Works found “this TIA to be acceptable.” I assume that means okay, go ahead, but in the business in which I have spent the last forty years “acceptable” tends to translate to C-. That is too generous, I think. Indeed, I feel the work needs to be redone with close attention to quality and quantity of evidence, awareness of underlying assumptions and the observer’s confirmation bias. Ideally, a task like this should be undertaken by an independent third party. If there is no way around a conflict of interest, then it is incumbent upon the engineering firm to be thorough, clear, and balanced. I cannot describe this TIA in those terms. Rather, it seems to me to be severely limited.

For example, the “study” was undertaken on a Thursday, last December, which, without explanation, “was assumed to be a high volume typical day.” It was also assumed that the two hours allotted to the collection of data was sufficient to adequately represent the traffic on Weaver Avenue. That day, in the second hour, someone counted 35 vehicles enter Weaver Avenue from Main Street—by far the largest number in the count—and 21 come out. The TIA then predicts—on what grounds is not clear—that apartments and a restaurant will create 201 peak hour vehicles in the morning and 127 in the afternoon. Yes, a big leap. And still there is no rationale for these estimates, nor is there a rationale for the comment that of two alternatives for the exit onto Weaver Avenue (left and right, or only right) the first would result in 40 more peak hour vehicles in the morning and 25 more in the afternoon making their way up Weaver Avenue to join Port Republic Road. How can we know this?

Of the Crawford Avenue/Port Republic Road intersection, based on two of hours observation, the study offers the opinion that vehicles making this turn “were allowed into the flow even during rush hour.” Based on five years, experience with that intersection, I offer the observation that sometimes people are courteous, sometimes they are not. I do not count on the Red Sea opening every time I head to Costco.

This alternative of sending a heavy increase of traffic up Weaver Avenue toward Crawford Avenue and Port Republic Road is preferred as an alternative because it would “reduce the number of vehicles turning left from Weaver Avenue, onto South Main Street.” I ask you to visualize the problem. Why would one travel east on Weaver Avenue to join Port Republic Road if one’s destination lay south on Main Street?

At the end, the report decides “no specific intersection improvements” will be required. There is money saved for the City. But can we trust the conclusion? Even if only about counting, a dependable study

needs to be linear and ample; it needs to count at different times of day over many days and in different seasons; it needs to derive its estimates from defensible statistical models rather than guesswork.

In the end, traffic is more than numbers. It is also about the speed of vehicles, the respect drivers have for the neighborhood, and—let's face it—the sobriety of those drivers. An acceptable traffic impact analysis, one useful to you in making a very significant recommendation—for Purcell, and as precedent for other neighborhoods—ought to account for geographic and demographic factors, starting with basic measurements and topographical conditions and moving on to social costs. For example, Weaver Avenue, in front of my house, is twenty-eight feet gutter to gutter. If a car is parked at each curb, only one car can safely pass between them at once. Indeed, if you were to very carefully pull two cars side by side between those parked cars, neither driver would be able to get out.

In my letter (which you have in your packet) I refer to other problems with sharp turns and bad sight lines and I won't take time to repeat them. Rather, let me end with a self-explanatory observation. At the corner where Hillcrest Drive intersects Weaver Avenue, there is an oblique jog, a blind spot, and a short range of visibility. Of course, here Hillcrest Drive is really only a heavily traveled alley. And, right there is a school bus stop. In my block alone there are six houses where there are children. And there are more at the top of the street closer to Crawford Avenue. The children who live on Port Republic Road—there are as many as live on Weaver Avenue—come over to Weaver Avenue to catch the bus. Pedestrians and cyclists who do not want to risk Port Republic Road use Weaver Avenue, even though Weaver has no sidewalks. A study that takes these factors into account would conclude that Weaver needs fewer cars, not more.

A street is not merely a length of pavement. A street is where people live; who they are, how they live there, what their needs are, and what effect increased traffic will have on them ought to be part of any “acceptable” analysis. Because you have none of that, to say nothing of your lack of reliable numbers, it seems to me that the inadequacy of the TIA on its face gives you sufficient reason to decline the request. Thank you for listening.

Alice Wightman, 110 East Weaver Avenue, said one of my favorite things to do is to walk my dog around the block, as well as in the park. I also like to ride my bike. But honestly, I am worried about getting hit by a car or a motorcycle. With the possibility of a larger apartment complex being built on Weaver Avenue, there will be a lot more traffic and this makes me more concerned about walking my dog or riding my bike. I love this neighborhood and I like being safe when I am doing things I like to do.

Jillian Pyle, 1409 Crawford Avenue, said just the other day I was washing my neighbor's car for her 90<sup>th</sup> birthday with my friend Alice and there were so many cars speeding past us that I felt unsafe. We have a family of ducks that seem to make cars slow down but this is not necessarily the same for kids. I cannot imagine how many more cars there will be if this rezoning is approved. We both appreciate the consideration that the members of the Planning Commission will give to this rezoning issue.

Andrew White, 52 East Weaver Avenue, said I have lived there with my wife and two children since July 2008. Many of my neighbors are troubled by this particular series of requests. It does feel like a direct threat to the integrity of our neighborhood and it already feels like that integrity is under threat for much of the year and we are especially vulnerable because of our proximity to JMU. Many of my fellow neighbors work at JMU but do not want to live at JMU. One of those vulnerabilities is noise, especially evening noise, partying noise. We have students who host parties on Main Street and on Port Republic Road and many of us often call the police to try and get that noise down.

We very often have drunk students walking through our neighborhood in the late hours of the night, yelling and using profanity, occasionally urinating on our properties. We have students driving through our neighborhood late hours of the night with their stereos cranked up. This is an ongoing issue along with the issue of trash. I was mowing my lawn this morning and had to deal with five pieces of trash.

Vandalism as well, my mailbox was nearly knocked off. Earlier this year, we received a letter from the US Post Office inquiring into vandalism. I talked to somebody at the post office and I said unless you can stop intoxicated students from walking through our neighborhood, I am not sure there is much that can be done.

At this point I would like to refer to a specific paragraph in the letter from March 23<sup>rd</sup> addressed to Ms. Dang and the Commission. This is after the fourth paragraph, which describes the building will have three floors, and then on the fourth paragraph it says the one bedroom apartments are designed for singles. The next particular sentence I guess in my experience in living on East Weaver Avenue, this is expected to make little or no impact on the surrounding uses as to noise and/or outside activities. I am not sure how the impact of noise is measured, but by any measure this particular claim is highly dubious. It seems that the laws of physics tell us, and common sense suggests, that the greater the concentration of people in vehicles the greater the potential for noise. If an apartment complex is built on these properties potentially including restaurants, noise will increase for certain; further compromising the integrity of our neighborhood, further potentially contributing to pollution, vandalism, the traffic problems that Mark mentioned, and decreasing the quality of life in our neighborhood.

Joseph Brown, 36 East Weaver Avenue, said thank you for letting me speak today. I live on Weaver Avenue with my wife and five year old daughter. I am also a business owner in Harrisonburg, Virginia; my business is Brown Company Hair Design we are located on Liberty Street. We are in the urban development area. I have been studying the Harrisonburg City Comprehensive Plan and in particular Chapter 4 the Plan Framework and I cannot understand why the City of Harrisonburg is willing to abandoned the Comprehensive Plan for this one particular spot on the map, for this particular developer, and allow R-5 high-density zoning in a R-1 neighborhood. The following statements are taken from Chapter 4 of the Comprehensive Plan, these are all things that were brought to the Commissioners attention in 2011 and all things that Mr. Stone wants the board to overlook so that he may reap the benefits while our neighborhood suffers.

On this map, Purcell Park neighborhood falls in a neighborhood conservation zone. The Plan states that these neighborhoods are suffering from spot conversion of single-family homes into apartments and while spot conversion in this instance probably means converting a single home into an apartment by dividing it up, Mr. Stone is willing to tear down single-family homes that are occupied at this time to build apartments. It also states some of the neighborhoods are affected by encroaching commercial use and the inappropriate conversion of houses to non-residential uses. The impact of traffic on highly traveled roadways also creates neighborhood stress.

Apartments are permitted only if single-family detached and attached units are also provided and together cover a greater percentage of the project site. In Chapter 6 of the Comprehensive Plan, Neighborhoods and Housing, the plan states that citizens are proud of their neighborhoods, which as you can see from the turnout, we are very proud and want to protect our neighborhood. Concerns frequently cited about neighborhoods include the conversion of single-family homes into apartments which is why we are here today. I ask the Planning Commission why would we show favoritism to Mr. Stone and this particular request? Why do we want him to change the zoning on these small parcels of land to benefit Mr. Stone and to the detriment of our neighborhood? Why are we waiting to engage in this spot zoning? Why do we have a Comprehensive Plan if you are not going to follow it?

If you look at the land use map there is no R-5 zoning anywhere near the Purcell Park neighborhood and for good reason. In fact, the closest R-5 to Purcell Park is Devon Lane and we all know what happens on Devon Lane. I ask the Commission this final question, do you want to be the Planning Commission that is responsible for starting a new Devon Lane on Main Street?

Jessica Pyle, 1409 Crawford Avenue, said I have not read the Comprehensive Plan, but I am the face of the neighborhood. I have lived in Purcell Park neighborhood for the last five years. I love this

neighborhood so much that I recently purchased my house last July. This is remarkable because I am a widowed single parent and teacher in the City and I was able to afford a house in a safe neighborhood in an established neighborhood near a park. A possibility of the proposed apartment complex leaves me feeling concerned for the well being of my daughter, myself, my neighbors, and my neighborhood.

When I purchased my home, I was purchasing not just a house, but I was investing myself in my neighborhood and in my city. I am now distressed about my greatest financial investment. I am worried that my home and my neighbor's homes, will lose value due to this unnecessary development and whatever may come next. We have heard tonight words like tipping point and erosion; what will happen years from now when this apartment building is well worn and no longer desirable and the owners live in Richmond. The construction alone scares me, it will be a huge disruption to the quiet family neighborhood as I walk down Main Street and I watch what is happening in front of JMU and the hotel there.

Clearly, you have heard that there is already a shortage of R-1 housing in the area. However, I do want to bring up through our meetings as a neighborhood we are not opposed to housing; we are not opposed to affordable housing for people exactly like me. We are very concerned about a defacto dorm at the edge of our neighborhood regardless of what anyone says and we are very concerned about transient people that do not live there for long term and are not invested. In case you are wondering how many other feel the same that I feel and speakers feel, I ask all the residents of Harrisonburg City that are here to protect R-1 neighborhoods to please stand up; a majority of the audience stood up.

Peter Hill, 1427 Bluestone Street, said it is nice when you follow and everybody has already pretty much said what you had to. I am glad I did not have to follow the Professor, because he talks facts. It is wonderful to hear people talking facts rather than sometimes emotions. I think the second thing, it is nice to come up after everybody stands up it offers a little bit of flexibility. Mr. Colman you asked a question about what we may want to do, I am not going to repeat what other folks are saying, I cannot say it nearly as well as they did. Two things, maybe three things, strike me with this, you are talking about trying to find ways to protect neighborhoods. When you look, we have three parcels of R-3, that decision was of course made before this, which I think really speaks to the idea of the importance of making this decision now. It is going to have a huge impact later on, because it is not lost to any of us. That part of what we feel is a certain threat that if we do not do this, that there is a potential of having up to 100 or so townhomes. That was something made possible long ago. Pay good attention to how things are zoned.

The second thing to keep in mind, at least from what I may offer, is that you will have to rezone two parcels that are already buffers between the neighborhood and this proposed change. We have some buffers in place now, all which have to be changed for this project. I know Mr. Stone, he is a wonderful man and his sons are wonderful. The problem is that I live in a neighborhood surrounded by people who do not share his perspective. In fact, the couple hundred students who party in my back yard, make trash, urinate, and scare my dog and all kinds of crazy things, are all things we do not want more of. Unfortunately, the argument is that we have already done this; look up and down South Main Street. The argument really is that we are already doing this; we ought to go ahead and work with Mr. Stone on this because of his heart for this community.

Mike Moak, 1534 Hillside Avenue, said I live on Purcell Park; my wife and I built our house in 1992. We bought the property, we built the house, we invested. I remember and not to call anyone out by name, but I remember a long time ago Mr. Baugh when you were running for Council and a promise was made to myself and people in that neighborhood, by you and Councilman Chenault, and it was quoted in the paper, that we were one of the last cloistered neighborhoods in this city and you would fight to keep it that way.

Mr. Finks I have seen you at our area picnics, I do not think I have seen anybody else sitting up there in my neighborhood and I have been there since 1992. I know I have never seen you there. Have you ever

come to my neighborhood, have you been in my neighborhood walked the neighborhood, met the people? Do you know what we are? Let me tell you why I am here. A neighbor who has not spoken to me in over six years, who has avoided me, came to my door and asked me to be here. I care about our neighborhood, I care about our neighbors.

Let me tell you what the zoning has done to our neighborhood. Along Main Street we now have a toxic trash dump, thanks to the zoning law, that has had three fires that has put toxic fumes into our neighborhood and as an asthmatic I could not leave my house. We have a night club who has had fights and the police there who rattle our walls until 2 and 3 in the morning. You have in the 1300-1400 block of Main Street a total of 12 party houses that the police are constantly at. Those are all zoned for multi-use.

On Weaver Avenue, 21 and 23 Weaver Avenue are zoned single residential and you have a ton of college kids living in it. 167 Port Republic Road, which is zoned R-1 residential, you have a house full of drunken college students living in it and you do nothing about it. At 1310 Crawford Avenue you have an ex-business woman from this town who has two college girls renting in her house and a college guy renting her camper that sits beside the house; but when she goes on vacation he moves in the house so there is only three. You guys do nothing about that zoning, but you want to let them build an apartment complex that is going to hold maybe 96 people in my neighborhood. Have you bought a house? Did you build a house? I invested.

People in this neighborhood they range from newborn up to elderly. Some of the people have been in the neighborhood since 1940. Mr. Stone if you lived there then you would have to have known Joe Gamble. And if Joe was alive, he would say shame on you. I think you all should do your job and enforce the zoning that you have already put into effect and stop this madness.

Cathy Weiss, 1450 Bluestone Street, said I live about half a block from the proposed development and I want you to picture what is there right now, perhaps you did a field trip, it is beautiful green grass. There are a couple of lovely houses; there are trampolines, swing sets, and children, to be replaced by a 54 foot tall building with transient renters and a large parking lot. With lots of cars coming and going, I do not think that is an even trade.

Ms. Dang you showed a map about mixed use down Main Street and I think that is a great idea to think about, how can we develop that so it offers all of those benefits? But on the map there is a line and on this side of the line there is R-1 properties and I think it is really important that you protect that line so the mixed use and the R-3 stay along Main Street and not encroach on the properties that are R-1.

We have so little nice simple housing available that I really want you to protect that. If we could develop, and you asked for some ideas, let us think about grass and trees and trampolines and small houses perhaps on the inside of that line. On the outside of that line I like the idea of coffee shops, Rite-Aid, little businesses, Dr. Riggleman's place where I can go get my back adjusted, and the park right down the way. I think if we can develop the city in that way, I think that is a win-win for all of us.

Patricia Kuszyk, 57 East Weaver Avenue, said I moved here eight years ago because I wanted to be closer to my daughter who went to JMU for undergraduate and graduate school. I have been coming to Harrisonburg for years and I have seen the progress and growth of the town and University. In fact, my daughter and I bought the house she lives in, which was Dr. John Wayland's home, which is a historic home in our eyes. Eight years ago, I bought the cottage behind her house. I am divorced and single and there are not very many one bedroom places around, there may be a need, but you all will have to decide that later.

I am a townie and chose to live in town. Growing up in a small town in North Carolina and moving over the years to large cities, I always chose to live in neighborhoods in those cities. I actually moved here from Charleston, South Carolina, a college town where preservation started in the United States. I learned

the importance of preservation, the importance of maintaining neighborhoods along with co-existing with students and being part of the same community environment.

I feel that Harrisonburg with the success of Downtown Renaissance and the growth of the University and JMU's involvement with the community, must actively preserve the neighborhoods bordering the school. All school and no neighborhoods make a bland boring environment and a City with no heart. It is understandable being so close to JMU that students will drive through our streets, people will go to the park, which is fabulous; we will hear the roar and see the lights from the stadium. It is exciting to hear the band practicing in the fall, that is some of the best parts of being here. College towns are fun and interesting and students add to the ambiance. I chose to be near and a part of that community.

Now to the reality of adding more student housing, and when I wrote this I thought it was going to be designated student housing; however we do not know exactly what it is going to be. More student housing, more housing in our neighborhood and more retail spaces and parking lots, hard surfaces added to the environment. Not excluding noise, trash, many more cars and more congestion. There are student single house rentals on Crawford Avenue off Port Republic Road. There are two single rental houses, Mr. Moak just talked about, 21 and 23 East Weaver Avenue. At those homes there are too many cars from students parked on East Weaver Avenue and literally in the back and the front yards of both homes.

The third house is a private daycare and she has cars dropping children off and picking children up and I have counted at times of at least of 10 cars at one house, six to eight cars at the other, all hours of the night on the streets and in their yards. They park in their yards. I worry with the daycare children and all of the cars in and out, that is not safe. Both of the houses have trash, beer cans, this is when I was thinking that it was going to be more student housing. I just wanted to stress two houses have enough trash for 15 houses and it is all in the front yard and it stays in the front yard. I have called and I have gone by the City to take care of it. It is evident that the owner does not care and probably does not live in our neighborhood.

The homes closer to the proposed development will in addition be disturbed by the noise. The added cars will only add more traffic and difficulty getting onto Weaver Avenue and Crawford Avenue. It is difficult to get past all the parked cars on the street to access South Main Street; it is dangerous. There are no sidewalks. We walk on the street in our neighborhood. I do not agree with nor do I support changing the zoning to increase cars, apartments, retail spaces and hard surfaces that we do not need in Purcell Park. With all the new student housing being built, more is not needed in Purcell Park.

The single home landlord owners are not managing what they already have. They are not being responsible for keeping their rentals clean, safe, and quiet for the neighbors already living here. I consider it a privilege to live in Purcell Park not an entitlement. I am all for progress and responsible preservation and the maintenance of our City and our neighborhoods. Ensuring our community and our Planning Commission will aspire to meet the needs of those who live here now, in 2017, and for all of those who dream of living in a safe, green, environmentally secure neighborhood. It is our civic duty to oppose this rezoning. Thank you for all your service to the community and your time.

Johnathan Walker, 1419 Bluestone Street, said I live less than 100 yards from the proposed development and I have to tell you I am angry that staff recommends approval of this proposal. I think other people share this anger. I am angry. It was mentioned that there is a huge demand for R-1 properties in this neighborhood, I have known several JMU professors who desperately looked for properties in this neighborhood, who cannot find a property because they were not for sale. There are two empty R-1 lots; I believe there is one house and one empty lot that could be put into the market and the market would snap it up. There is no need to redevelop this property, this land. The demand is already there, it may not be demand for Mr. Stone's corner property that has been vacant for 27 months, but the land is there.



I also want to address the whole idea of this professional one bedroom. If you remember Urban Exchange, when it was developed it was developed as condominiums. They did not sell. The reason that woman has to live with college students in Urban Exchange is because that is all rental property. Just because Mr. Stone says that these are going to be professional one bedroom places that are going to be rented month to month, that is no guarantee that is going to stay that way. Urban Exchange flipped in a year and I want you to consider the possibility that what you could possibly approve could end up being something far different in a very short time.

Rejoyce Milam, 24 Edgelawn Drive, said I do live within eyesight of this property, although I am across the street from Edgelawn Drive from the properties that border that property. I live next to the Suntrust Bank. I will tell you my husband and I wanted to live in the community. We wanted to live in one of several of the residential communities within walking distance from downtown; we wanted to raise our children in one of these neighborhoods in this town. This was the only property we could find that fit those requirements, so we gulped and we did it. Because we believed in this City we wanted to bring our children into this City and I feel like we are about to be forced out.

My husband does not work in the City and I stay at home because my son has special needs. We would be forced to move to the County, which means our house would be forced onto somebody buying it who is going to rent it out because nobody is going to want to buy a house if you have an apartment building towering over us. I wrote a letter, I hope you got to see it; but I do want to address the issue of what would be acceptable. For me personally, I cannot speak for all my neighbors, I understand that this is something that needs to be developed differently, but there is an empty property, there are two rentals that have never had anything done in the almost three years that we have been there. I have not seen a single thing being taken care of, to better those two rental properties with families in them.

I think there are some things that could make it work, if it is completely on Main Street, so it was not on Weaver Avenue, but it centered on Main Street, that would be something that would not impact us as much, and if it was not as tall. If there is one story of apartments above the retail spaces, or light restaurant use; that may be possible not to impact our neighborhood as much. Make sure that there is absolutely green space included between the neighborhoods. Making Edgelawn Drive so that we are turned toward the community, maybe closing off the street and widening the exit from Edgelawn Drive. That is something my husband and I have spoken about how that would keep us in the neighborhood.

But the way this thing goes, it actually cuts us off, and so my neighbors and I, who are all homeowners, we would completely cut off from the rest of the neighborhood. If there is a way to keep us in the neighborhood and allow our children to continue to be with their friends; my sons best friend actually lives down near the park. What this says to us, in the form that is right now, is that you are not welcomed here and we want to be welcomed here, we want to welcome others like us here.

Valerie Sulfaro, 611 Ott Street, said I have a couple of questions and a comment. First of all, am I correct in thinking that in that R-5 designation that there was suppose to be sidewalks, shared use paths and it was suppose to be pedestrian and bike friendly? That was part of the presentation, correct? I am wondering how rezoning this piece of property and this proposed use will actually accommodate those particular requirements. I do not see anything pedestrian friendly about how this parcel is going to be developed or anything bike friendly, I mean are they just relying on the park for that or the surrounding neighborhood.

Mr. Fletcher said the intentions of the R-5 zoning district Ms. Dang read were almost verbatim from the ordinance. The zoning ordinance specifies what the intent is in the district. It specifies the things that are qualities that should be developed when we do those things. Those characteristics are the things that paint the bigger picture. Like any development in the City of Harrisonburg, they are required to improve their street frontages, so you will get new and improved sidewalks along Weaver Avenue and South Main Street, if there are no sidewalks. I believe there are sidewalks there.

Ms. Sulfaro said I did not see sidewalks on Weaver Avenue maybe there are, I mostly saw that there was a sidewalk on Main Street and there is a sidewalk in front of the building for access to the building, but no pedestrian or bike opportunities.

Mr. Fletcher said you have to abide by what the Design and Construction Standards Manual tells you, and you have to provide all the pedestrian improvements that are required along the public street. What the R-5 description is painting a picture for, is for a bigger, all inclusive neighborhood concept. It is telling you that R-5 districts should be in areas that allow for multi-model transportation, so you have bus service, you have sidewalk, you have bicycle accommodations, and walkable areas of all the neighborhoods around it.

Ms. Sulfaro said you are relying on the neighborhood of Purcell Park to provide those things that the developer does not have to provide?

Mr. Fletcher said the developer builds the public street improvements and they are designed to be in areas where all those accommodations are made. There is bus service there, there are bike lanes along South Main Street and there are sidewalks along the development frontage.

Mr. Colman said we would want those kinds of things in those developments. When it comes to us for rezoning, those are the things we are looking for. How does it connect to the neighborhood? How does it serve the neighborhood? How are we providing walkable sidewalks? Are we providing for bike lanes? Whatever we need in that context that is something we would be looking for.

Ms. Sulfaro said I did not see any bike storage, mostly I saw spaces for cars, that is why I was asking.

Mr. Fletcher said bicycle parking is required by the Design Construction Standard Manual, it is based upon a ratio, all the new developments are required to provide bicycle parking in the City.

Ms. Sulfaro said my next question, is it looked like you had a development zone that was going up Main Street on both sides of Main Street up to JMU; was that going to be for dense development like this development.

Chair Way said it was just an idea of sort, being floated out there.

Ms. Sulfaro said the reason I am asking is because on the east side of Main Street from Port Republic Road up to Maplehurst Avenue, those are all R-1 residential houses too, part of the reason I am asking is if this is the kind of development you are considering for this side of Main Street on this end of Port Republic Road, are you going to be continuing that?

Chair Way said I do not think it is.

Mr. Fletcher said the concept that is being discussed is mixed use and there is also the concept of what high density means.

Ms. Sulfaro said I am asking about a neighborhood that is all R-1 right up onto Main Street.

Mr. Fletcher said you are talking about the Maplehurst Avenue neighborhood.

Ms. Sulfaro said right and what you would be permitting on Main Street.

Mr. Fletcher said what Ms. Dang was talking about was the Comprehensive Plan Land Use Guide recommendations and what we try to do is blend the Land Use Guide with the zoning law, the land use law that allows the uses of the rights of properties.

Chair Way said and none of that is being endorsed.

Ms. Sulfaro said I have a general comment as well. I understand this notion that maybe there would potentially be a desire for faculty or professionals to have some short-term lodging, and maybe there is; but speaking as someone who is in that position myself and who is in a department at JMU where we hire

a lot of new faculty, I am just not sure what the actual demand for short-term housing is. There is certainly a demand for rentals for us, but at the same time I can name a lot of places in Harrisonburg. There are apartments in Old Town that now have been converted to student housing because faculty do not want to live in them. The apartments that use to be near Anthony Seager, that became student apartments before some of them were torn down by JMU, the apartments that were near the Chop House that were converted to student housing because there were not enough faculty to fill them. The Greens which was a big apartment complex that only rented to faculty and professionals until it started also renting to students because there was not enough faculty. There just does not seem to be a lot of faculty demand for those kinds of places.

What seems to be the faculty demand and professional demand from my own perspective, and I suggest that you maybe survey professionals to see what kind of housing they actually want, is that we are looking for affordable single-family housing. When I was buying, I initially did not buy in Harrisonburg, because you had approved the Rite-Aid construction and Purcell Park was the neighborhood that I can afford and that really scared me that you were willing to approve it. While I moved back rather recently, I noticed that many faculty members of JMU are moving to Staunton, Charlottesville, and Rockingham County, and my suggestion here is that you are losing people, you are losing part of your tax base because we do not want to live here when we are afraid of what is going to happen to our neighborhoods and how you are going to zone things.

There is certainly a need for people who do not want to live in a home that they own. I do not know that this in particular is the solution to that problem and I think that is something that the City should really consider. I also think that you should seriously think about where you are losing people to, because I think you are losing a lot of people who work in this town.

Suzanne Fiederlein, 28 Edgelawn Drive, said we have lived there 21 years and I felt vulnerable the entire 21 years knowing that we were taking a gamble buying a house there because of Main Street being where it is. With the professional buildings there it is very tolerable to coexist with them. My beef is really with the fact that this does come so much into the neighborhood and I am sure that Mr. Stone is very sincere in thinking that this is a better option than other options and it very well may be; but it is not what we need in that place. It is not going to be that good transition that is needed, nor is it a good example for what can be done elsewhere in the city in order to ease that transition from the more developed areas into preserving established neighborhoods. I just ask you to please consider the long-term, with this particular issue that we are dealing with tonight.

Keith Grant, 210 Monument Avenue, said I wanted to speak to one of the issues a colleague of mine raised about the desirability of these units, because I am the target demographic. I am 35 years old, I moved here four years ago, and it was difficult finding a place to live. I am single, I have no children, and I have zero interest in living in a one bedroom apartment, absolutely none, there is just not enough you can do. In addition to that it is tiny, it is compact, it is cookie cutter, there is no character to it. Speaking for myself but also for a large number of my colleagues who have similar situations to me, I can tell you that the young professionals that you are trying to target are not going to have any interest in this.

The second point that I want to make, Mr. Colman, you asked for recommendations of other things that may be done. One thing I have not heard considered, why not re-draw the line so that they are parallel rather than perpendicular to Main Street that would allow for two R-1 single family stand alone houses to be built with a commercial buffer against the road? That would be consistent with the neighborhood, and it would probably enhance the neighborhood. Why are we jumping essentially from R-1 housing all the way to the opposite extreme without considering what might be a very reasonable easy and profitable in-between step?

Tommy Thompson, 205 Monument Avenue, said in consideration for the left or right turn lane coming in off Weaver Avenue, I think that should be a stalling note for you. The fact that the City of Harrisonburg

has already restricted traffic through that area because for the last 15 years or so it has been heavily travelled as a cut through from Main Street to Port Republic Road, so it has already been established as a heavy transit area. Because of the lack of planning on Port Republic Road there is no turn lane and coming off Crawford Avenue. During the morning hours and also from 4:30 to 7:00 pm there is no left turn coming off Crawford Avenue because of the heavy traffic. There is no left turn coming into Crawford Avenue for a lot of the residents. Not taking the traffic itself into consideration coming off this property onto Weaver Avenue is a big mistake by this panel. It should be reviewed by the Planning Commission and the planning staff before any decision is made just on that entrance off of the property onto Weaver Avenue dumping it into those areas, especially if you are going to say it is rental property for faculty of JMU. Now it is my understanding, according to the Breeze, right before the break that JMU has already purchased 24 of 26 properties in the Forrest Hill Drive area for the purpose of providing temporary faculty housing.

Jenny Kuzyk, 53 East Weaver Avenue, said I want to say to Mr. Stone I apologize that I am going to disagree with this particular project. I have really admired many of your other projects. My history as a resident of the Purcell Park neighborhood, as well as a business owner and property owner in downtown, as well as being on the advisory board for the Harrisonburg Downtown Renaissance for over a decade and working with Eddie Bumbaugh, the fact that we are talking about preservation and Purcell Park is a gem of Harrisonburg. I really would like that to be the focus of this advocacy and I would like to end on that note, because I do believe in Harrisonburg and its downtown preservation and I do think that is really what we are talking about as homeowners.

Chair Way asked if the applicant would like to speak to any of these comments.

Mr. Blackwell said I think we go back to the point that the property is already zoned R-3 and this is less density than what can be done at this location. My client felt it would actually be better for the neighborhood than a large number of apartments or townhouses.

Chair Way closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Colman said I respectfully disagree with that statement because it is a good opportunity for the applicant to work with the neighbors and even present something to the Planning Commission that says this is an example of what we want to do. Give us something that is going to be a model, that we can apply somewhere else. I would like to see an opportunity for you all to get together, to speak about some of the things that came up, and maybe more things could come up in terms of what you are looking for, but yet also preserving the neighborhood. That is my recommendation of terms of how you can handle it if you would take the opportunity.

Mrs. Fitzgerald said I have a question that is connected to that given that this whole big package got postponed for a month because of some issues with advertising. One of the things that had been recommended was that the applicant get together with the neighborhood representatives and I am wondering if that happened.

Ms. Milam said we had scheduled a meeting and he did not show up.

Mr. Fletcher said staff had recommended that before the tabling had occurred.

Mr. Finks asked do we have anybody from transportation that can speak to the approval of the TIA.

Ms. Dang asked if he had a specific question.

Mr. Finks said I do not know if I have a specific question, but what exactly went into the City giving the okay on that TIA.

Tom Hartman, Assistant Director of the Public Works Department, said the TIA followed standard practice. It studies the peak hour and that is what we worry about. We do not worry about the annual daily traffic. We have a concern that there are 18,000 vehicles on Port Republic Road and 25,000 vehicles on South Main Street, but for impact development we worry about that peak hour. Peak hour for us is between 7:30 to 9:30 am and between 4:30 to 6:30 pm. When the counts were performed they were performed between 7:30-9:30 am but we took the most highly congested continuous hour within that 7:30 to 9:30 am, if that makes any sense. The counts did look at more than just a two hour snap shot, but that is still consistent with how traffic impact analyses are performed.

One of the questions that came up is how did we determine, or how did the engineer determine, 201 trips in the morning and 100 and some trips in the evening. There is an Institute of Traffic Engineers book called the Trip Generation Manual that tells us a fast food restaurant with no drive-thru, generates this much traffic per square foot; so this area can be 4,000 square feet and it generates this many trips per square feet and that it ended up being 201 trips in the morning. From that, we sat down with the engineer and we determine this is your site; how are people going to get to your site and where are they going to go once they leave your site? We do a distribution, so many are going to go north on Main Street, so many are going to go south on Main Street, and so many want to come to and from Port Republic Road; they would use Weaver Avenue to Crawford Avenue, that is the way we took them. Once we determine those distributions, we ran it through the model and determine how many would go where and that is where the alternatives came into play for the entrance onto Weaver Avenue.

Alternative one, I believe, was the full access that allowed the left turn onto Weaver Avenue to go out to Crawford Avenue. We accepted, or agreed with, the proposal to have that alternative instead of alternative two, where we did not have that left turn. If we did not allow that left turn onto Weaver Avenue to go to Port Republic Road, the queue on Main Street would be exceeded and go back past that entrance onto Weaver Avenue, causing a back up, slowing traffic down. There is no chance for a signal at Weaver Avenue and South Main Street because of the proximity to South Avenue. All those things came into play, it is kind of a broad brush approach, but we looked at all that. This was done over a couple of meetings with the engineers, not just what he wrote in the report sent it to us, we read it, and accepted it. It was dialogue back and forth for months.

Mr. Fletcher said it is not an “acceptance” or an “approval: that we agree with, rather it is a matter of fact of accepting that they followed the standards written by the TIA Manual and what was scoped out.

Mr. Hartman said from that we agreed that their proffers can mitigate their impact.

Mr. Finnegan said one thing that I was struck by was, it feels like a lot of the folks in this room feel like they are vested in the community, but they were not consulted, they wanted to be part of this process. Not that it is required in terms of coming up with these developments, but clearly there are a lot of folks that are vested in this community, in this neighborhood. In Chapter 6 of the Comprehensive Plan goals 4.1 and 4.3 it states to promote home ownership, and right now as we are going through the Comprehensive Plan review, I see a real decline in home ownership in the City. As Jessica Pyle said she is a school teacher looking for affordable home ownership options and found them in this neighborhood. This development I really do not think it does anything to reverse that trend of fewer affordable home ownership options. Not that this has to be that, but that is the sense I am getting from listening to these comments, and reading the letters; it is really wanting to find a way to get affordable, small homes in Harrisonburg and this is not helping that situation in any way.

I do not know if this is the place, this may not be the place to do that, but there has to be options for people to buy. I have a lot of friends looking for homes right now and cannot find them. One thing I did want to add is we have to be careful not to demonize one third of the City’s population or to cast them all or paint them all with the same brush. I think there have to be ways, and I do not have the answers to that right now, but there has to be ways for home owners in the City, who have lived here for a long time, to

peacefully coexist with the students that are here and are members of our community, even if they are only here for four years. In terms of this particular development, I am currently inclined not to support it; but I am at a lack or at a loss for how to phrase it in a way that includes the community and be a solution that will be obtainable for all parties involved.

Mr. Colman said at this point we do not necessarily have in any of our zoning districts or plan developments, specific requirements for affordable housing. When we have something like an R-5 rezoning we do not have that instrument in place yet; but it is something to consider that when we have an R-5 that we require a certain percentage of that property be used for affordable housing. Which in this case, and I am just saying, you could, as it was suggested, use the back side of the property to turn that into affordable houses and the front side of the property to front the Main Street. I am not proposing a development, I am just saying that would be a way to provide for both and provide in some ways, a buffer. I think there are ways to do it and we need to consider that as we move forward with the Comprehensive Plan. This is a good example of how these are the things we are going to run into and at least we will be prepared to answer them.

Mr. Finnegan said the affordable part did enter into the conversation at the Comprehensive Plan Committee 1 and it is something I would like to see added in there.

Mrs. Fitzgerald said it seems to me, in some very real sense, that the presentation we saw, the package, all this was meticulously put together, it fit beautifully and perfectly with zoning regulations, beautifully explained also on the site tour; but it does not really have very much to do with the reality of living in that neighborhood right now. While I am on the School Board right now, as well as Planning Commission, I teach college students for a living, my husband works at JMU; college students make up my family's income. I also recognize that it is the college students that make up a small percentage of the problems that we see. If Kathy Whitten were here she would talk about the similar kind of problems that you are experiencing in Old Town because she lives in Old Town.

We know that there is a clash in neighborhoods when college students and college students' lifestyles conflict with the lifestyle of families, families with kids, and families without kids. There is a conflict here. What I do not really see here is a recognition that across the street from this proposal there is student housing all over the place. I live on Middlebrook Street, which is off of Central Avenue, and I have come up South Main Street right in front of the Rite-Aid there, trying to get through that traffic light. A couple of weeks ago, I got stopped through three cycles of the light, because a big party was basically dissolved by the cops, and by the time those students dispersed I was 10 minutes at least, waiting at that light.

Although I do not have that where I live on Middlebrook Street, off of Central Avenue, I have seen it, because it is very close to where I live. What troubles me about this a little bit is that there is no recognition in the packet, there is no recognition in the presentation about the reality of what you see in your neighborhood. That is what 18 people stood up and talked about here for a good bit of the last hour and I do not think we can make a decision based on what could happen. We have had the numbers presented here about how there could be, under the current zoning, 60 plus people put in that relatively small site, but I would rather make a decision on what should happen, and that is where I am going to land on this tonight. I am not inclined to support this as a result.

Mr. Finnegan said I would also add that there are several concerns about pedestrian safety. I know that one of the reasons why I joined this commission was because the lack of sidewalks between the Holly Court neighborhood and Walmart; having almost hit someone myself there. This is something I think we have to take seriously. It is not something that I think we can pass the buck on and say well there are no sidewalks there already; I think pedestrian safety has to be forefront.

Chair Way said I would concur again with a lot of what has been said so far. My apologies if I am not 100 percent clear at this time. I have three points which range from the more emotional to the more legal and procedural. On the emotional side of things I find myself reacting a bit candidly here on how I found myself reacting angrily about the way that Mr. Blackwell presented, “well we can put this amount of density on this thing,” it sounded sort of flat, I did not like that. I want to be clear that I am talking about here is my emotional reaction to the thing not the actuality of what can actually be done here. I just do not like that pervasive sense of; well, if we do not allow this, then look at the doom that can happen as a result of this; does not seem very neighborly and I am interested about that approach of the presentation as well.

As we move more towards the legal and regulatory, what is really clear here is I completely endorse what Mrs. Fitzgerald is saying. There is a sort of intangible sense of place, something that involves the democratic aspect to it, which I slightly dissent from Mrs. Fitzgerald and I think that would be difficult in some ways to capture in a very regulatory report. I think that is the exact point of this meeting and the actual public input that we have in these public hearings. I think what we have learned here is new information, new perspectives, it is building out a picture of what this neighborhood could be beyond just numbers and maps. I think that is really deeply important; it certainly helped my thinking on this and to get a better sense of that neighborhood identity.

Finally, as we move towards more of the legal planning and zoning side of it, and in a much more technical way, I am supportive of the principal theory of mixed use. I think it is a good designed principal, I think we have endorsed it rightly in our Comprehensive Plan, but I think we go back to that question of geography. Which part of the City is it best to do it in? Why are we not looking more at retrofitting the student housing? Why do we not retrofit Devon Lane, where there is mixed use there. I am very much in support of mixed use; I am not convinced that this is the best place for it for all the reasons that have been spoken here.

We try to maintain the fidelity to the Land Use Guide the map about what parts of the City we hope for them to develop into or should be. None of this that I have seen here suggests that it adheres to that kind of professional designation. One of my more practical reasons why I will not be supporting this is that it is not adhering in a way that I would like for it to as to what the Land Use Guide would suggest this area should be and what this particular site should be, I think that is my main legal basis for my lack of support on this.

My final point I will make is that we are talking about the land here and a particular land use, but one of the things that has come out here is how important the transportation networks are, the actual roads. We hear people talk about how South Main Street was two lanes and now it became this large beast that it is today. It reflects transportation pathways and when we think about neighborhoods we also have to think about the roads that connect them, and what they do to the surrounding land uses. I hope that as we work on the Comprehensive Plan we also think about sidewalks in appropriate places.

Mr. Finks said I agree with everything that has been said. The only thing I would add, and this is probably going to be counter to what I have agreed with, but, what do we want in the City? We want walkable neighborhoods, we want bike lanes, we want sidewalks, we want communities where people do not have to drive across town to get milk, and we want a community where people can walk to the store, where they can shop in the neighborhoods; it feels like that is what we are working for in the Land Use Guide. I feel like that is what a lot of citizens would like to see, not all the City obviously, there are parts of town that it would not work.

The thing to keep in mind and what came to me when we were talking about sidewalks, was my house. I live over off Chicago Avenue and about four or five years ago, sidewalk was extended up my street so the City would have more sidewalks from Waterman School. I had these two beautiful maple trees that were about 40 feet tall, that kept my house cool, that blocked Red Front so I would not have to stare at Red

Front every morning, I had this great green screen, we had these large privacy bushes and it really made this nice little front yard; but there was no way they were able to stay for the sidewalk to go in. To be honest with you, I was not happy when I heard what was going to be happening in my front yard, especially when all this was happening the same month of my father's funeral. It was not a great time for me. The thing about it is, I could have come to Planning Commission to voice my concern; but my thought process behind that was that if I try to put up a barrier this is going to stop a sidewalk for kids that need to walk from Waterman to neighborhoods. This is completely unrelated to this, I just bring this up because we want to keep in mind that we do want to keep our neighborhoods safe, we want to have those buffer zones, but if we want to have a walkable community, if we want to be able to have our bike lanes, our sidewalks, there are times that we have to consider there will be things that are going to be done for the common good of the City, but are not going to be great for your neighborhood or your property. I fully support everything that was said earlier, but I just want us to keep in mind that there are times that there has to be a give and take.

We need to protect our neighborhoods, we need to keep them in mind, but we also have to know sometimes there are going to be things that are going to be done in the City for the greater good for all. If we are looking at 75,000 people that are going to be here in the next 20 years, we have to think about that. Planning is about thinking for the future and if we do not consider the people that are moving to town, that is where we run into problems. Again, I agree with what everyone has said and I think what we are looking at here, definitely is a detriment to the character of this neighborhood.

Mr. Baugh said I am not going to support the proposal. Like it or not, I try real hard to be analytical about these things and I get it, people have emotions involved in things. Whether you agree with me or not, I just tell you I am always trying to do the best I can to take as sober of a view as I can, to try to hit that sweet spot of what is best for a larger part of the community. I am an optimist, I am a glass half full kind of guy but I am going to talk a little bit on an area where I tend to be a pessimist a little bit; I am going to geek out on land use stuff for a second.

I kept a running list of what are the specific complaints we are hearing. I think a fair summary of what we heard tonight from the neighborhood is you should not approve the rezoning if it is going to increase problems with traffic, noise, unruly students, trash, vandalism, bad absentee landlords, and I heard preservation issues; okay, that is fair. But it has also been pointed out that we are mostly looking at R-3 land here. Whether we like it or not, whether we think this property owner is going to do it or not for this property. Not just this property, we pretty much hear this every time we are dealing with this unfettered R-3 property.

Just understand, this property owner could look at the R-3 part of the property, see how many townhouses he can cram into it and you would have more people than you are talking about here and you would not have a fence. Somebody mentioned the laws of physics—here is what I know about the laws of physics, the whole list of problems that I said, if you put more people in that spot, with no fence, and we do not have this meeting, because he just gets to do it under the existing rules, I think that is worst.

Some people challenge why staff recommended in favor of it and staff can speak for themselves, but I will tell you in fairness to staff I suspect that is a big part of what staff was looking at. I will go back to the point, I think when Mr. Brown suggested that this would be starting a new Devon Lane on South Main Street. What is Devon Lane from a zoning land use stand point; it is unfettered R-3 property. Devon Lane is the way Devon Lane is, because the people who owned the property on Devon Lane really had no restrictions about doing it.

As we sit here as Planning Commission members and Councilman and let me make this point, because I think a lot of people do not understand this stuff. You just know that this is impacting you and the neighborhood and you are irritated about it and you are coming to let us know; I get that. We do not get to go tell people to change their zoning. That is not an option. One of the few times I tend to be a glass



half empty guy is when I see a lot of this R-3 property, and so where I think staff is coming from is this notion of okay, he is willing to work with us some here to do something that is not as bad from your perspective as it could be.

All that property on the other side of Main Street is R-3 with no restrictions on it right now. When you hear that as part of the Comprehensive Plan process we are talking about looking at this and trying to come up with a way to restructure this and get this in a way it makes a little bit more sense from a planning stand point. In this case I think there was a tendency for the crowd to hear it as a glass half empty or they may be planning to cram a bunch of big things down our throat. There is a lot of potential for some bad stuff already. I get it, the community has spoken about this.

The argument for this is—this is how we fix R-3. We cannot make anybody change R-3; but, if somebody who has R-3 wants to come forward and maybe have a vision and a sense of where they are willing to put some limitations on themselves for whatever reason, that is how we fix R-3. Really one of Mr. Finnegan's points and you are absolutely right about all the things that we need to promote for single-family home ownership, but you are virtually never going to get it in R-3 property. The issue with R-3 for us really is how do we not have another Devon Lane, or mini Devon Lane. We have taken steps to do this, but as it has been pointed out every bit of R-3 property in the City right now, if it is not something that is going through a process to get restrictions, it is not just this property owner. We have limited apartments, but how many townhouses can they cram in?

The other option is somewhere in here, whether the people want to get together with these applicants now and talk about it or whether we do it in the Comprehensive Plan process. I am an elected official and you can come talk to me whenever you want. But to say I have a list of all the things I would like, but, I do not want more traffic, I do not want more noise, I do not want any of these things. But there is a piece of property over there that is going to get developed somehow; do we want to have a discussion about how we can get a better handle on it.

Chair Way said part of this is a response to Mr. Baugh's point here about the limitations on what we can do with R-3 and the options you have with R-3. My concern about the rezoning to R-5 is the notion of what signal is that sending to continuous parcels of land that owners would want to come in and rezone too. Somebody had pointed out spot zoning earlier, and once you start to have those higher density zones you can see how that starts to be a bit of a slope.

Mr. Baugh said I think we are convinced that this proposal in this place, exactly as it is right now, is no. But I think the choice that we actually have is just say no to this stuff and keep hoping for the best, or how do we have input on what things we want for the future. I think we are seeing from the market place that it is not really likely it will be professional office buildings. Do we just sort of sit back and fight these things as they come up, or do we think about what we are going to do going forward?

When we think about going forward we need to be realistic that if you have the notion that there is going to be some sort of development on adjoining property, and somehow it is going to be leveled or reduced in traffic, noise, unruly students, you are talking about the laws of physics that seems like an awfully heavy lift. I think unfortunately the choices are do we just say no to this proposal and hope for the best, or do we actually start thinking about this? That is when they come back with the R-3, because the default that we have in this area is not great. The default of what could happen if we are not proactive about it could be really bad. I am not saying I really believe that is what will happen, but that is the part where I get a little scared. That is the stuff that could happen and we will not have this meeting. We are all sitting at home complaining about how this happened and there is nothing we can do rather than say "boy when the City allowed this to be called R-3 back in 1972 I wish they had not done that."

Chair Way asked for a motion on the rezoning from R-1 and R-3 to R-5C.

Mr. Finnegan motioned to deny the rezoning from R-1 and R-3 to R-5C.

Mrs. Fitzgerald seconded the motion.

Chair Way called for a roll-call vote:

Commissioner Colman – Yes

Commissioner Fitzgerald – Yes

Commissioner Baugh – Yes

Commissioner Finks – Yes

Commissioner Finnegan – Yes

Chair Way – Yes

Chair Way said the final vote was six to zero (6-0) to deny the rezoning from R-1 and R-3 to R-5C.

Chair Way said this will go forward to City Council on June 13, 2017.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner